

ORDINANCE NO. 05-270

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING CHAPTERS 14.02 AND 14.48 OF THE LOS ALTOS
MUNICIPAL CODE PERTAINING TO DEFINITIONS AND PERMITTED
AND CONDITIONALLY PERMITTED USES FOR THE
DOWNTOWN COMMERCIAL RETAIL SALES DISTRICT

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Section 14.02.070 is hereby amended as follows:

14.02.070 Definitions.

For the purposes of this chapter, certain words and phrases used in this chapter are defined as follows:

“Personal Service” means a use, not conducted within an office, providing services for the personal care of an individual or the fitting, cleaning, repair or maintenance of personal effects and not primarily for the sale of goods or merchandise. Personal services include art, dance, music and fitness studios, beauty shops, barber shops and nail salons, shoe repair, laundry and cleaning services, repair and fitting of clothes, and other similar services.

“Take-out service” means a characteristic of an eating or drinking service which encourages, on a regular basis, consumption of food or beverages, such as prepared or prepackaged items, outside of a building, in outdoor seating areas where regular table service is not provided, in vehicles parked on the premises or off-site. Take-out food services do not include ice cream parlors, candy stores and other similar specialty, primarily retail, food businesses.

SECTION 2. AMENDMENT OF CODE: Section 14.48.030 is hereby amended as follows:

14.48.030 Permitted uses (CRS).

The following uses shall be permitted in the CRS District:

- A. Accessory structures and uses customarily incidental to a permitted use;
- B. Business, professional, and trade schools located above the ground floor;
- C. Hotels located above the ground floor;
- D. Offices located above the ground floor;
- E. Parking spaces and loading areas incidental to a permitted use;
- F. Personal services, except when located in a ground floor building space that fronts directly onto Main Street or State Street;
- G. Private clubs, lodges, or fraternal organizations located above the ground floor;
- H. Restaurants, excluding restaurants with take-out services when located in a ground floor building space that fronts directly onto Main Street or State Street. Drive through restaurants are prohibited; and
- I. Retail.

A determination made by the city planner as to whether a use is permitted within the CRS zone may be appealed to the planning commission, and a decision made by the planning commission may be appealed to the city council. All appeals shall be made in writing within fifteen (15) days of the date of the action, and shall be accompanied by the appropriate fee as set forth by resolution of the city council. A decision made by the planning commission may be appealed if so requested by two city council members at the next regular meeting of the city council.

SECTION 3. AMENDMENT OF CODE: Section 14.48.040 is hereby amended as follows:

14.48.040 Conditional uses and structures (CRS).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80 of this title, the following uses shall be permitted in the CRS District, except when they displace a retail business located in a ground floor building space that fronts directly onto Main Street or State Street:

- A. Any new building that has an area greater than seven thousand (7,000) gross square feet, and any addition to an existing building which would result in the total building area exceeding seven thousand (7,000) gross square feet, including additions to buildings which presently exceed seven thousand (7,000) gross square feet in area;
- B. Cocktail lounges;
- C. Commercial recreation establishments;
- D. Drop in day care centers;
- E. Farmers' markets;
- F. Hotels;
- G. Housing on the second floor,
- H. Interior decorating shops;
- I. Take-out services associated with a permitted uses, so long as any such take-out service located in a ground floor building space that fronts directly onto Main Street or State Street is more than one hundred fifty (150) feet from another take-out service use located in a ground floor building space on Main Street or State Street as measured along the same side of the same street;
- J. Other uses which are determined by the planning commission to be of the same general character.

SECTION 4. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 5. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 6. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on December 14, 2004 and was thereafter, at a regular meeting held on January 11, 2005 passed and adopted by the following vote:

Ayes:
Noes:
Absent:


David Casas, Mayor

Attest:


Susan Kitchens, City Clerk